

C. Remarks

In response to the Final Office Action dated February 23, 2004, Applicants respectfully request favorable reconsideration of the application based on the foregoing claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. At the outset, Applicants and the undersigned express their appreciation to Examiner Taylor for the courtesies extended during the telephonic interview of May 4, 2004. In the Office Action, claims 1, 3-12, 14-16, 18-19, 21-30, 32-35, 39-42, 44-46 and 48-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,426,688 to Anand in view of U.S. Patent No. 6,018,567 to Dulman. Applicants respectfully traverse each of these rejections.

Applicants have amended claims 1, 16, 35, 42, and 46 to recite:

. . . the call processing failure data includes data relating to a
dropped call transaction between a transmitting telecommunication
device and a receiving telecommunication device . . .

Support for the amendments may be found throughout the specification as filed, and at page 18, lines 8-27 and page 46, line 17 through page 47, line 15, for example.

Rejections under 35 U.S.C. § 103(a)

Applicants respectfully submit that the Anand and Dulman references, taken alone or in combination, fail to disclose, teach or suggest all of the features recited by claim 1, as amended. *See* MPEP § 2142 (a *prima facie* case of obviousness under 35 U.S.C. § 103(a) requires, among other things, that the cited references, when combined teach or suggest every element of the claim). For example, Applicants respectfully submit that the Anand and Dulman references, taken alone or in combination, fail to disclose, teach, or suggest, among other things:

... continually capturing, in real-time, call processing failure data occurring at the telecommunication switch control processor, wherein the call processing failure data includes parameters relating to a dropped call transaction between a transmitting telecommunication device and a receiving telecommunication device ...

as recited in amended claim 1.

Applicants submit that Anand does not disclose, teach or suggest at least the above features recited in amended claim 1. The Office contends that, "Anand teaches a system for capturing call processing failures in a telecommunication system occurring, comprising: establishing a communication link between a computing system and the telecommunications system." (See Office Action at p. 2.) Applicants respectfully traverse the Office's contention. Even if this is taken as true, though, Anand still fails to disclose, teach or suggest at least that:

the call processing failure data includes parameters relating to a dropped call transaction between a transmitting telecommunication device and a receiving telecommunication device ...

as recited in amended claim 1.

Applicants also submit that Dulman does not disclose, teach or suggest at least the above features recited in amended claim 1. Applicants have amended claim 1 to clarify that:

... call processing failure data includes parameters relating to a dropped call transaction between a transmitting telecommunication device and a receiving telecommunication device ...

Applicants submit that this amendment is in accordance with the Examiner's suggestion in the telephonic interview of May 4, 2004. Applicants further submit that the errors disclosed by Dulman do not relate to call transactions at all, but rather to the performance of hardware and software systems and subsystems within individual programmable AIN nodes. (See Dulman at col. 2, ln. 55 - col. 3, ln. 25, col. 14, lns. 21-59, and Fig. 5.)

Accordingly, Applicants respectfully submit that claim 1, as amended, and claims 3-15 that depend therefrom are non-obvious and patentable over the cited references, because the references, whether taken alone or in combination, fail to disclose, teach or suggest all the features recited in amended claim 1.

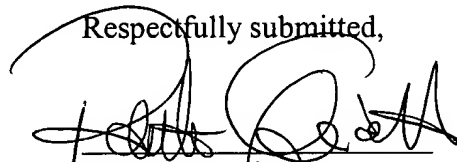
Claims 16, 35, 42, and 46 are directed to systems, an apparatus, and a computer readable medium and have been amended in a manner similar to amended claim 1 to include features similar to those discussed previously with respect to amended claim 1. Therefore, for reasons analogous to those presented with respect to amended claim 1, Applicants respectfully submit that amended claims 16, 35, 42, and 46, as well as all claims depending therefrom, also are non-obvious and patentable over the cited references, taken alone or in combination.

Applicants are not otherwise conceding, however, the correctness of the Office's rejection with respect to any of the dependent claims discussed above and hereby reserve the right to make additional arguments as may be necessary because the dependent claims contain additional features that further distinguish them from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

D. Conclusion

As all of the issues raised by the Examiner have been addressed, the Applicants respectfully request favorable reconsideration of this application and the issuance of a notice of allowance with respect to the pending claims. If the Examiner believes that the present application is in condition for disposition other than allowance, Applicants respectfully request that the Examiner contact the undersigned at the telephone number listed below so that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



Roberto Capriotti
Reg. No. 46,599

KIRKPATRICK & LOCKHART, LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222

Tel. (412) 355-8956
Fax (412) 355-6501
e-mail: rcapriotti@kl.com